

REMARKS

This Amendment and Response is being submitted in response to the Office Action dated November 30, 2004, for which a response is due March 30, 2005 with a one month extension of time. In the Office Action, the examiner rejected claim 4 under 35 U.S.C. § 112, second paragraph as being indefinite. Claims 1, 6, 9, 11, 13, 14 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,790,948 issued to Einfeld et al in view of U.S. Patent No. 6,021,319 issued to Tigwell. In response, independent claims 1 and 22 are being amended, while claims 2 and 23 are being deleted. In addition, claims 3, 7, 8 and 14 are being amended to correct minor informalities. Claims 1 and 3 – 22 remain pending. Reexamination and reconsideration in light of the amendments and remarks made herein are respectfully requested.

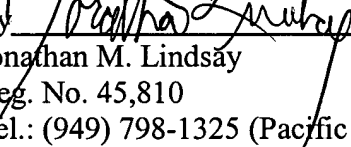
With the amendment to claim 1, Applicant submits that the insufficiency of antecedent basis in claim 4 has now been remedied and, as such, the rejection of claim 4 under 35 U.S.C. § 112 should be withdrawn. In addition, in paragraph 5 of the Office Action, the examiner indicated that claims 2 – 3, 5, 7 – 8, 10, 12 and 23 would be allowable if rewritten to include the limitations of their respective base claims and any intervening claims. Accordingly, Applicant has amended those claims identified in paragraph 5 of the Office action as indicated by the examiner and respectfully submits that the application is now in condition for allowance.

If there are any questions regarding this Response or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

Respectfully submitted,

CROWELL & MORING LLP

Dated: March 30, 2005

By 
Jonathan M. Lindsay
Reg. No. 45,810
Tel.: (949) 798-1325 (Pacific Coast)

Intellectual Property Group
P.O. Box 14300
Washington, D.C. 20044-4300

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8A)

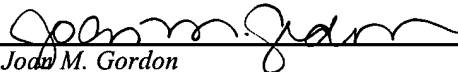
I hereby certify that this correspondence is, on the date shown below, being:

MAILING

FACSIMILE

☒ deposited with the United States Postal Service
as first class mail in an envelope addressed to:
Mail Stop Amendment, Commissioner for Patents,
PO Box 1450, Alexandria, VA 22313-1450.

☐ transmitted by facsimile to the Patent and
Trademark Office.

 03/30/2005
Jodie M. Gordon Date